

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2004-009196-002 DT

10/28/2004

HONORABLE BRIAN R. HAUSER

CLERK OF THE COURT
E. Morgenstern
Deputy

FILED: 11/02/2004

STATE OF ARIZONA

JONELL L LUCCA

v.

GLENN ROBERT NIMMO (002)
DOB: 02/01/1958

JOHN D NAPPER

APO-SENTENCINGS-CCC
APPEALS-CCC
DISPOSITION CLERK-CSC
RFR
VICTIM SERVICES DIV-CA-CCC

SENTENCE - IMPRISONMENT AND PROBATION

State's Attorney:	Jenine Sorrentino
Defendant's Attorney:	above-named counsel
Defendant:	Present
Court Reporter:	Melody O'Donnell

WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 5 Amended: Possession of Drug Paraphernalia
Class 1 misdemeanor
A.R.S. § 13-3401; 3405; 3415; 3418; 707; and 802
Date of Offense: 03/01/2004
Non Dangerous - Non Repetitive

OFFENSE: Count 6: Misconduct Involving Weapons
Class 4 felony with one prior
A.R.S. § 13-604; 3101; 3102; 3105; 701; 702; 702.01; and 801
Date of Offense: 03/01/2004

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Non Dangerous - Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

Count 6: 3.5 year(s) from 10/28/2004
Presentence Incarceration Credit: 125 day(s)
Mitigated

Pursuant to A.R.S. § 13-604, the Court finds that the Defendant has been convicted of the following prior felony offenses:

Trafficking in Stolen Property, a class -- NON DANGEROUS felony committed on 09/18/1996 and convicted on 01/09/1997 in CR 96704, Gila County.

Community Supervision: Waived pursuant to A.R.S. § 13-603(K) and 41-1604.07(D), due to the term of probation in Count 5 of this case and CR2004-011061.

IT IS ORDERED suspending imposition of sentence and, under the supervision of the Adult Probation Department (APD), placing the defendant on probation for:

Count 5 Probation Term: 3 years

To begin upon absolute discharge from prison for a separate offense.

IT IS ORDERED that probation in Count 5 of this case shall run concurrent with probation in CR2004-011061.

Conditions of probation include the following:

Condition 16 - Restitution, Fines, and Fees:

FINE: Count 5 - Total amount of \$750.00 payable \$50.00 per month; surcharges are waived.

Payment to commence on a date to be determined by APO and is due on the same day of each month thereafter until paid in full.

All amounts payable through the Clerk of the Superior Court.

Condition 17 - Not consume or drink any substance containing alcohol.

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Condition 19 - Count 5: Complete 40 hours of approved community work service at a minimum rate of 20 hours per month beginning as directed in writing by the Adult Probation Department.

Condition 24 - Participate and cooperate in any counseling or assistance as directed by the APD as noted in the Uniform Conditions of Supervised Probation.

IT IS ORDERED granting the Motion To Dismiss the following: Counts 3 and 4.

Count(s) 6: IT IS ORDERED authorizing the Maricopa County Sheriff to deliver Defendant to the Arizona Department of Corrections.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this order together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

Count(s) 5: IT IS FURTHER ORDERED Defendant be released from custody for this count only.

cc: DOC - Certified Copy via Certification Desk

cc: MCSO-DIS - Certified Copy via Certification Desk

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Defendant's thumbprint is permanently affixed to this sentencing order in open court.

/s/ HONORABLE BRIAN R. HAUSER
JUDGE OF THE SUPERIOR COURT

(thumbprint)